8th October,
2026
(AK)
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MAT 1168 of 2025
IA No: CAN 1 of 2025

The Chief Executive Officer, Kolkata Metropolitan Development Authority
Vs.
Kartick Rit and others

Mr. Lokenath Chatterjee
Ms. Mary Datta
...for the HIT.

Mr. Rudradeb Choudhuri
Mr. Ramasish Mukherjee
Mr. Subhasish Pachhal
Ms. Saolini Bose
...for the respondents.

1. Affidavit-of-service filed in court today be kept on record.
2. The present application bearing CAN 1 of 2025 is one for condonation of the delay of about 1233 days in preferring the appeal.
3. It may be noted that the impugned order was passed on February 14, 2022.
4. As per the explanation furnished in the condonation application, initially there was some doubt as to whether the appellant, the beneficiary of the concerned acquisition process, or the acquiring body was to prefer the appeal.
5. According to the condonation application, the present appellant/petitioner awaited "suitable

information" from the acquiring body in that regard.

6. Thereafter, upon internal communications between the two on several occasions, as stated in paragraph no.6 of the application, the CEO of the HIT made request to the Office of the Special LAO, HIT for filing of the appeal, despite which no such appeal was filed.

7. Thereafter, according to the condonation application, the Howrah Improvement Trust (HIT) was merged with the Kolkata Metropolitan Development Authority (KMDA), upon which there was huge reshuffling in the office and the matter could not be pursued for about three months.

8. Thereafter, according to the averments made in the condonation application, there were several meetings among the concerned officials of the KMDA and the KIT and HIT, whereupon it was decided that an appeal was to be preferred by the requiring body.

9. Even thereafter, the appellant alleges, it made "arrangements" for obtaining certified copy of the order dated February 14, 2022 and the application for obtaining such certified copy was filed only on October 6, 2023, that is, more than one and half years after passing of the impugned order.

10. The certified copy was obtained on November 24, 2023.

11. However, the laches on the part of the appellant did not stop there.

12. Even thereafter, it has been averred that instructions were given to a learned Advocate to prepare and file the Memorandum of Appeal.

13. Allegedly, the clerk of the said learned Advocate did not take appropriate steps as he "did not understand the said instruction" and as such did not place the file before the learned Advocate for preferring appeal.

14. Moving on from the clerk, the next phase of the explanation in the condonation application shifts to a different learned Advocate who was allegedly engaged to prefer the appeal and in whose chambers the papers were misplaced.

15. After such saga, the appeal was ultimately preferred on July 25, 2025.

16. Even after a through perusal of the aforesaid averments, we are unable to convince ourselves that there was any *bona fide* on the part of the appellant in preferring the appeal.

17. In respect of the first limb of the purported explanation, in the event the appellant was not even sure as to who was to prefer the appeal, the

appellant, in the first place, could not have any cause of action to prefer the appeal.

18. A dilemma at that juncture cannot be a valid explanation for the delay in preferring the appeal.

19. Even thereafter, vague and frivolous explanations have been sought to be proffered, to the effect that the clerk of the erstwhile Advocate and the subsequent Advocate have been brought into the picture and their purported negligence have been sought to be used as a shield for the huge delay of 1233 days in preferring the appeal.

20. It is well-settled that the State or its instrumentalities cannot be considered to be favoured litigants.

21. Moreover, we find from the averments made in the condonation application and the submissions of parties that the appellant has miserably failed to prove its *bona fides*.

22. The appellant, palpably, had a dearth of diligence in pursuing the remedy of appeal and, as such, there is no plausible reason as to why the inordinate delay of 1233 days should be condoned.

23. Accordingly, CAN 1 of 2025 is dismissed on contest, thereby refusing to condone the delay in preferring MAT 1168 of 2025.

24. Consequentially, MAT 1168 of 2025 is dismissed as time-barred.

25. There will be no order as to costs.

26. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Sandip Kumar De, J.)